

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.2602 OF 2023 IN
FIRST APPEAL ST. NO. 20197 OF 2021**

Babita wd/o Avinash Patil
and others

Applicants

Versus

Rajesh Balaji Duyyewad (Belikar)
and others

Respondents

Ms. Pooja Mundhe, advocates for the Applicants
Mr. B. N. Gadegaonkar, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st March, 2023.

PC :

Heard rival submissions.

The applicants are seeking withdrawal of entire compensation amount along with the interest.

The learned Counsel for the appellant-Rajesh Duyyewad, owner of one of the offending vehicles, submits that the appellant has deposited 50% of the compensation amount along with the interest as per directions of the learned Tribunal.

It seems that there were four claimants out of which only three are claiming withdrawal. The learned Counsel for the applicants submits that the fourth claimant – Kalawatibai, who was the mother of the deceased, is no more. However, her legal heirs are not brought on record by the appellant yet. Moreover, the applicant no.2 i.e. son of the deceased is still minor.

Under such circumstances, only applicants no.1 and 3 are permitted to withdraw the amounts of compensation falling to their respective shares, as apportioned by the learned Tribunal from the 50% amount deposited by the present appellant along with proportionate interest by furnishing usual undertaking before the Registrar (J) of this Court. Remaining amount be invested in FDR, in any Nationalised Bank, on yearly renewal basis till final disposal of the appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE